

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
BRYON McINDOE,

Petitioner,

-against-

CHRISTINE DAVIS, District Director of the INS  
in Oakdale, Louisiana, et al.,

Respondents.  
-----X

BRYON McINDOE,

Petitioner,

-against-

NEW YORK, et al.,

Respondents.  
-----X

AMENDED  
JUDGMENT  
02-CV- 0537 (CBA)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ **JUN 29 2006** ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

03-CV- -234 (CBA)

A Memorandum and Order of Honorable Carol Bagley Amon, United States District Judge, having been filed on April 19, 2006, transferring petitioner's § 2241 petition in its entirety to the Court of Appeals for the Fifth Circuit as a petition for review; staying petitioner's removal or deportation pending further order of the Fifth Circuit; and ordering that a copy of this order is being sent to the United States Attorney for the Eastern District of New York, who is directed to inform the Bureau of Immigration and Customs Enforcement (B.I.C.E.) forthwith of the stay of removal; and to the extent McIndoe's § 2254 petition attacks his 1987 conviction, the Court is without jurisdiction to hear those claims as he is no longer in custody; directing that the claims are without merit; and dismissing the § 2254 petition; it is

JUDGMENT  
03-CV- 0234 (CBA)

ORDERED and ADJUDGED that petitioner take nothing of the respondents; that petitioner's § 2241 petition is transferred in its entirety to the Court of Appeals for the Fifth Circuit as a petition for review; that petitioner's removal or deportation is stayed pending further order of the Fifth Circuit; that a copy of this order is being sent to the United States Attorney for the Eastern District of New York, who is directed to inform the Bureau of Immigration and Customs Enforcement (B.I.C.E.) forthwith of the stay of removal; that to the extent petitioner's § 2254 petition attacks his 1987 conviction, the Court is without jurisdiction to hear those claims as he is no longer in custody; that the claims are untimely, procedurally barred and without merit; and that the petition is dismissed.

Dated: Brooklyn, New York  
June 29, 2006

/s/  
ROBERT C. HEINEMANN  
Clerk of Court